

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WILLIAM and MAUREEN ANELLO,

Plaintiffs,

v.

INDIAN RIVER SCHOOL DISTRICT  
and SUSAN S. BUNTING,

Defendants.

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C.A. No. 07-668-LPS

**ORDER**

At Wilmington, this 3<sup>rd</sup> day of June, 2008.

**WHEREAS**, this case involves an action for judicial review of an administrative panel decision pursuant to 20 U.S.C. § 1415(i)(2)(A) of The Individuals With Disabilities Education Improvement act. The action concerns the educational rights of a minor child with a disability.

**WHEREAS**, in any action brought under 20 U.S.C. § 1415(i)(2)(C), the Court: "(i) shall receive the records of the administrative proceedings; (ii) shall hear additional evidence at the request of a party; and (iii) basing its decision on the preponderance of the evidence; shall grant such relief as the court determines appropriate."

**WHEREAS**, the Delaware Department of Education, as the state educational agency, maintains the administrative record and is responsible for filing it with the Court pursuant to 14 Del. C. § 3142(c).

**WHEREAS**, the administrative record is likely to include personally identifiable information related to Plaintiffs' minor child, and is protected from disclosure by the Family Educational Rights and Privacy Act of 1974 20 U.S.C. § 1232 g, 34 C.F.R. Part 99, and Delaware Department of Education regulations, 14 DE Admin. Code § 251.

**WHEREAS**, Plaintiffs' requested the administrative record of the proceedings from the Secretary of Education, Valerie A. Woodruff, on May 2, 2008. Secretary Woodruff, through the Department of Justice of Kent County, Delaware, has agreed to certify and file with the Court the record of the administrative hearing, including all documents submitted, transcripts of all testimony and the decision of the hearing panel upon receipt of an Order from the Court in this matter.

**IT IS THEREFORE HEREBY ORDERED** that the administrative record shall be filed with the Court under seal.



UNITED STATES MAGISTRATE JUDGE